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May 29, 2024

**Via ECF**

Hon. Gary Stein, United States Magistrate Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, New York, NY 10007

**Re: *Angulo, et al. v. Clowns.com, Inc., et al.*, No. 23-cv-10983 (GS)**

Dear Judge Stein,

My office represents Plaintiffs Brayan Angulo, Cameron Pille, Janina Salorio, and Xander Black, and opt-in Plaintiffs Miles Sullivan, Cara Stofa, Yasmine Elabd, Matthew Tierney, Will Pierson, Lia Hauser, Grayson Hampshire, and Isabella Marinucci in the above-referenced matter. We submit this letter jointly with counsel for Defendants to inform the Court that the Fair Labor Standards Act claims of the nine (9) Plaintiffs who have asserted federal claims, Plaintiffs Angulo, Sullivan, Stofa, Elabd, Tierney, Pierson, Hauser, Hampshire, and Marinucci (hereafter the “FLSA Plaintiffs”) are being fully satisfied.

Following an all-day mediation conducted by an experienced labor and employment law mediator, Barry J. Peek, Plaintiffs calculated all overtime allegedly due to Plaintiffs asserting such claims in this case. Overtime claims for the Plaintiffs listed below are the only federal claims in this case. Defendants have agreed to pay the full amount of all alleged overtime as well as an equal amount of liquidated damages for all such nine Plaintiffs, plus their attorneys’ fees and costs, satisfying the federal claims in their entirety. Specifically, without admitting any liability under the FLSA (the Defendants assert that all Plaintiffs are independent contractors and not covered under the FLSA), Defendants have agreed to satisfy these claims through payments of the following amounts:

<b>Recipient</b>	<b><i>FLSA Satisfaction Payment</i></b>
Brayan Angulo	\$1,391.25
Miles Sullivan	\$480
Matt Tierney	\$1080
Yasmine Elabd	\$810
Cara Stofa	\$540
Will Pierson	\$360
Lia Hauser	\$900
Izzy Marinucci	\$450
Grayson Hampshire	\$1,320

Letter to The Hon. Gary Stein  
May 29, 2024  
Page 2 of 2

Plaintiffs agree that the amounts offered and accepted satisfy their FLSA claims in their entirety. In addition, Defendants have agreed to pay counsel for the FLSA Plaintiffs \$1,832.82 for attorneys' fees and costs associated with the satisfaction of the FLSA claims. The parties note that both the mediation and parties' agreement occurred prior to the time that Defendants filed an Answer or a Motion to Dismiss.

This action also included state law claims. Separate from the agreement of Defendants to satisfy Plaintiffs' claims under federal law, Plaintiffs have settled their individual state law claims and in connection with that settlement intend to re-file their individual state law claims in New York Supreme Court, Nassau County, and Defendants have agreed to accept service of such state court civil action.

Defendants' position is: (1) because there is no longer a case or controversy regarding any federal claim inasmuch as Plaintiffs' federal claims have been fully satisfied prior to Defendants' filing an answer or motion to dismiss, the Court no longer has jurisdiction or no longer should retain jurisdiction of the Action and that the Court never had jurisdiction over the claims of those Plaintiffs who have only asserted state law claims, and (2) the Court should so-order a stipulation dismissing the Plaintiffs' fully-satisfied FLSA claims with prejudice and dismissing Plaintiffs' state law claims without prejudice. Plaintiffs have no objection to the Court doing so and confirm that the amounts set forth above will fully satisfy all FLSA claims of the FLSA Plaintiffs. Attached is a Stipulation of Dismissal for the Court's review and approval.

In light of the fact that the FLSA claims here are being fully satisfied, the parties believe that a full application pursuant to *Cheeks v. Freeport Pancake House* is unnecessary. However, should the Court wish the parties to make such an application before so-ordering the proposed stipulation of dismissal, we will of course do so.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hugh Baran", with a stylized flourish at the end.

Hugh Baran  
Counsel for Plaintiffs

cc: All counsel by ECF